

Notice of Allowability

Application No.

09/532,576

Examiner

Alicia Chevalier

Applicant(s)

HAMILTON ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed September 15, 2004.
2. ☒ The allowed claim(s) is/are 1-4,6-14,18,20,21,23-34,36,37,39,40,42-52 and 55-57.
3. ☒ The drawings filed on 22 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Peter Meyer on September 22, 2004.

Cancel claims 58-62.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The base claims are: 1, 21 and 40.

The closest prior art found can be summarized as follows:

Hamilton et al. (U.S. Patent No. 5,662,758) discloses an adherent film comprising at least one adhesive, non-raised region protected from inadvertent adherence to a contact surface, the sheet comprising a film having a front face and back face, the front face having a plurality of collapsible, non-adhesive protrusions extending outwardly from the front face and the adhesive, non-raised region disposed between the protrusions (*col. 5, line 64 through col. 6, line 13 and figure 10*). Hamilton '758 discloses that the protrusions have a base diameter of about 0.015 inches to about 0.03 inches that gives a surface area from about 0.0002 inches to about 0.0007 square inches and a center-to-center distance from about 0.03 inches to about 0.06 inches (*col. 6, lines 21-27*) and from the figures it can be seen that the protrusions have a dome-shape. Their

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disclosure reads on Applicant's claimed protrusions having a base diameter from about 0.03 to 0.1 inches, a base surface area from about 0.0007 inches to about 0.008 square inches and a center-to-center distance from about 0.05 inches to about 0.15 inches.

Hamilton et al. (U.S. Patent No. 5,968,633) teaches an adherent sheet that is almost identical to that of Hamilton '758 and further comprises adhesive in the wells of the protrusions of the back face of the film and porous fabric material laminated to the back surface (*col. 13, lines 16-43 and figure 10*). The porous fabric reads on the claimed limitation "substrate comprising air vent channels."

The prior art fails to teach or suggest, alone or in combination, an adherent sheet that further comprises a laminating adhesive having air vent channels.

The prior art fails to teach or suggest alone or in combination the recited adherent sheet having all the features of the base claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

9/27/04




HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

9/28/04